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7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 AMOS JONES,  
11 Plaintiff,  
12 v.  
13 S. MORA, et al.,  
14 Defendants.

**Case No. 20-cv-04093-TSH**

**PLAINTIFF'S MOTIONS IN LIMINE**

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1     **I.     INTRODUCTION**

2             Mr. Jones respectfully brings these four motions *in limine* to minimize evidentiary disputes  
3 during trial. Mr. Jones requests that the Court enter:

- 4             1. An order excluding all evidence of and references to Mr. Jones's criminal history.  
5             2. An order excluding all evidence of and references to Mr. Jones's prison disciplinary  
6 history and alleged gang affiliation.  
7             3. An order excluding all evidence of and references to all prison grievances filed by Mr.  
8 Jones other than the two grievances underlying this action.  
9             4. An order permitting Mr. Jones to attend trial without shackles or other restraints.

10    **II.    ARGUMENT**

11            The following rules of evidence guide the Court's determination of whether to admit or  
12 exclude evidence at trial. First, only relevant evidence is admissible. Fed. R. Evid. 402. Evidence  
13 is relevant if (a) it has any tendency to make a fact more or less probable than it would be without  
14 the evidence; and (b) the fact is of consequence in determining the action. Fed. R. Evid. 401.  
15 Second, even if relevance is established, the court may exclude evidence "if its probative value is  
16 substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing  
17 the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative  
18 evidence." Fed. R. Evid. 403.

19            Third, in general, "[e]vidence of a person's character or character trait is not admissible to  
20 prove that on a particular occasion the person acted in accordance with the character or trait." Fed.  
21 R. Evid. 404(a)(1). Likewise, "[e]vidence of a crime, wrong, or other act is not admissible to prove  
22 a person's character in order to show that on a particular occasion the person acted in accordance  
23 with the character." Fed. R. Evid. 404(b)(1). But evidence of a crime, wrong, or other act may be  
24 admitted for another purpose, such as to prove motive, opportunity, intent, preparation, plan,  
25 knowledge, identity, absence of mistake, or lack of accident. Fed. R. Evid. 404(b)(2).

**A. MIL #1 – This Court Should Exclude Evidence of and References to Mr. Jones’s Criminal History**

The Court should exclude all evidence of and reference to the crimes Mr. Jones has been convicted of: PC 187 (Murder), PC 664/187 (Attempted Murder), PC 12022.53(d) (Discharge Firearm Causing Death/Great Bodily Injury), and PC 12021(a)(1) (Ex-Felon Possession of Firearm), Los Angeles County, Case #BA227979, convicted on 11/22/2002. This request includes the redaction of all references in any document Defendants seek to introduce that otherwise contains admissible material. The convictions should be excluded because they are irrelevant, and thus inadmissible under Rule 402, and the prejudicial effect of the convictions substantially outweighs their probative value, making them inadmissible under Rules 609 and 403.

First, none of these convictions are relevant to Mr. Jones’s claims and are thus inadmissible. Fed. R. Evid. 402. Mr. Jones is seeking damages for violations of his First and Eighth Amendment rights arising out of a sexual assault he suffered at the hands of Defendants during a pretextual clothed body search at the prison. Evidence of Mr. Jones’s prior convictions is neither “of consequence in determining the action” nor does it have any tendency to make a fact of consequence more or less probable.

Moreover, neither defendant was aware of Mr. Jones’s criminal history prior to the clothed body search, thus the evidence is irrelevant to Defendants’ state of mind leading up to and during the search. *See* Exhibit A, Transcript of the Deposition of Defendant Sergio Mora (“Mora Tr.”) at 32:2–33:4 (Mora testifying he had never met Jones before the 2019 search, he has never reviewed Jones’s central file, and he does not know why Mr. Jones is incarcerated); Exhibit B, Transcript of the Deposition of Defendant Haley Madsen (“Madsen Tr.”) at 28:11-13, 29:2-4 (Madsen has not reviewed Jones’s central file and is not aware of why Mr. Jones is incarcerated).<sup>1</sup> Further,

<sup>1</sup> *See also Ruvalcaba v. City of Los Angeles*, 64 F.3d 1323, 1328 (9th Cir. 1995) (officers allowed to testify in limited manner about only the facts known to them at the time of the incident regarding plaintiff’s criminal history); *Silva v. Chung*, No. 15-00436 HG-KJM, 2019 WL 2292073, at \*7-8 (D. Haw. May 29, 2019) (evidence of plaintiff’s prior arrest was not admissible without evidence that defendant officers were aware of the arrest); *Castro v. Cty. of L.A.*, No. 2:13-cv-06631, 2015 WL 4694070, at \*9 (C.D. Cal. Aug. 3, 2015) (plaintiff’s prior convictions not relevant to claim when officer was not aware of plaintiff’s criminal record at time of incident).

1 Defendants maintain that the clothed body search of Mr. Jones was “random.” Mora Tr. at 78:7-  
 2 14.<sup>2</sup> In other words, Mr. Jones’s criminal history did not factor into Defendants’ decision to search  
 3 him. Thus, the convictions are irrelevant.

4 Second, Mr. Jones’s convictions are not admissible to impeach him as a witness because  
 5 their prejudicial effect substantially outweighs their trivial probative value. *See* Fed. R. Evid.  
 6 609(b). Since Mr. Jones’s convictions are more than 10 years old, Rule 609(b) provides that  
 7 evidence of the convictions is admissible only “if its probative value, supported by *specific facts*  
 8 *and circumstances*, substantially outweighs its prejudicial effect.” Fed. R. Evid. 609(b) (emphasis  
 9 added); *see also United States v. Bay*, 762 F.2d 1314, 1317 (9th Cir. 1984) (“Evidence of a  
 10 conviction more than ten years old is presumptively inadmissible as too remote.”). The advisory  
 11 committee notes to Rule 609(b) “clearly state ‘that convictions over 10 years old will be admitted  
 12 very rarely and only in exceptional circumstances.’” *United States v. Bensimon*, 172 F.3d 1121,  
 13 1126–1127 (9th Cir. 1999) (quoting in part Fed. R. Evid. 609(b) advisory committee’s notes); *see*  
 14 *also Simpson v. Thomas*, 528 F.3d 685, 690 (9th Cir. 2008) (section 1983 case citing same advisory  
 15 committee note to exclude convictions under Rule 609(b)).

16 Mr. Jones’s convictions are all well over 10 years old; in fact, they will all be over 20 years  
 17 old by the time trial is set to begin in this case. What is more, the severe prejudicial effect of Mr.  
 18 Jones’s convictions is plain. Allowing the jury to hear of Mr. Jones’s murder conviction and life  
 19 sentence will unfairly prejudice Mr. Jones by putting his character on trial instead of Defendants’  
 20 conduct. In *Scott v. Lawrence*, 36 F.3d 871, 875 (9th Cir. 1994), a section 1983 prisoner case, the  
 21 Ninth Circuit ruled that the district court’s *sua sponte* revelation to the jurors, during voir dire, that  
 22 the plaintiff had two prior rape and sexual assault convictions, was reversible error. The Court  
 23 reasoned that “rape and sexual assault convictions are among the most prejudicial types of  
 24 information the jury could learn about the plaintiff in a civil suit.” *Id.* at 874. Mr. Jones’s

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 26 <sup>2</sup> “Q. Whose decision was it to search Mr. Jones? A. My decision. Q. And why did you decide to  
 27 search him? A. It was randomly.” *See also* Madsen Tr. at 95:3-16, 96:20–97:7, 99:18-22  
 28 (Defendant Madsen explaining that she does not believe she was at the search “on the initial  
 contact” between Defendant Mora and Mr. Jones, and that when she works corridor coverage at  
 the prison, her pat down searches are completely random).



convictions are even more prejudicial than rape and sexual assault and should similarly be excluded here. Plus, Mr. Jones's convictions are not probative of his veracity as a witness. Indeed, "prior felony convictions which do not in themselves implicate the veracity of a witness may have little impact on credibility." *United States v. Bagley*, 772 F.2d 482, 487 (9th Cir. 1985) ("[T]he question of the truth or falsity of a witness's statement generally is not advanced in any material way by a showing of his prior conviction . . . unless issues of credibility are otherwise directly involved."); *see also Holmes v. Slay*, 895 F.3d 993, 1000 (8th Cir. 2018) (holding prisoner-plaintiff's prior conviction for drug trafficking not admissible under FRE 609(a) or 404(b) and emphasizing the important distinction between a criminal trial and a section 1983 civil trial where the focus is squarely on the conduct of the defendant officers and not the plaintiff's conduct).

Lastly, Mr. Jones's convictions should be excluded under Rule 403 as unfairly prejudicial. Fed. R. Evid. 403. As explained above, Mr. Jones's convictions are not probative of any fact of consequence in this action, including Mr. Jones's credibility as a witness. Also, in addition to the danger of severe unfair prejudice of Mr. Jones being labeled as a "murderer" by the jury, Mr. Jones's past convictions will only serve to confuse the issues and mislead the jury by focusing the jury's attention on Mr. Jones's criminal conduct 20 years ago when that conduct was not even on Defendants' radar when they searched Mr. Jones—the material issue in this case. Therefore, Mr. Jones's prior convictions should be excluded.

**B. MIL #2 – This Court Should Exclude Evidence of and References to Mr. Jones's Prison Disciplinary History and Gang Affiliation**

**1. Disciplinary history after the sexual assault search**

The Court should exclude all evidence relating to Jones's conduct within the prison after November 23, 2019—the day of the sexual assault search for which Mr. Jones bring this action. This includes all evidence regarding an alleged conspiracy to introduce controlled substances into the prison on or around February 26, 2020, and placement in administrative segregation. *See* Bates No. AEO0000003–07 (police report), AEO0000197–202 (administrative segregation unit placement notice).

1 All evidence relating to Mr. Jones's conduct within the prison after the November 23, 2019,  
 2 search underlying this case is irrelevant and therefore inadmissible. Fed. R. Evid. 401, 402; *see*,  
 3 *e.g.*, *Stevenson v. Holland*, 504 F. Supp. 3d 1107, 1135 (E.D. Cal. 2020) (excluding evidence of all  
 4 disciplinary events occurring after the two incidents underlying the action as irrelevant). The  
 5 question in this case is whether Defendant Madsen had Defendant Mora sexually assault Mr. Jones  
 6 in retaliation for Mr. Jones filing a prison grievance, "602," against her. Any evidence regarding  
 7 Mr. Jones's conduct in the prison after the date of the sexual assault is irrelevant to that question  
 8 because it has no tendency to make any fact of consequence more or less probable.

9 Moreover, all evidence of Mr. Jones's conduct within the prison after November 23, 2019,  
 10 is inadmissible under Rule 403 because the danger of unfair prejudice substantially outweighs its  
 11 probative value. Fed. R. Evid. 403. As described above, there is no probative value of Mr. Jones's  
 12 prison disciplinary issues after the sexual assault. And, even if it was somehow probative, the  
 13 unfair prejudice to Mr. Jones is substantial because the jury will hear that Mr. Jones was allegedly  
 14 trying to introduce drugs into the prison after the relevant events in this case. This "evidence" will  
 15 confuse the issues and mislead the jury by causing the jury to focus on Mr. Jones's conduct that  
 16 had no bearing on the sexual assault search, and to perhaps impute knowledge of the conspiracy to  
 17 Defendants, thereby wrongfully supplying an innocent motive that Defendants did not have in  
 18 conducting the pretextual clothed body search.

## 19 **2. Disciplinary history before the sexual assault search**

20 The Court should also exclude all evidence relating to Jones's conduct within the prison  
 21 before November 23, 2019, and any consequences for prison misconduct (e.g., loss of visitation  
 22 privileges, yard privileges, etc.). This includes, but is not limited to:

- 23 (1) Positive test for amphetamine and methamphetamine on January 19, 2015;
- 24 (2) Possession of methamphetamine and cell phone on May 8, 2018;
- 25 (3) Positive test for amphetamine on December 31, 2014;
- 26 (4) Inmate manufactured alcohol on February 5, 2011, and December 21, 2013;
- 27 (5) Possession of cell phones in 2012, 2013, 2014, and 2019; and

1 (6) Willful delay of a peace officer in performance of duties by trying to destroy cell  
2 phone.

3 First, evidence of Mr. Jones's prison disciplinary record is not admissible because it is not  
4 relevant to the present action, i.e., whether Defendants retaliated against Mr. Jones by sexually  
5 assaulting him during a clothed body search. *See* Fed. R. Evid. 402. Evidence of Mr. Jones's prior  
6 disciplinary history is neither "of consequence in determining the action" nor does it have any  
7 tendency to make a fact of consequence more or less probable.

8 Mr. Jones's disciplinary history is not relevant to Defendants' state of mind in searching  
9 Mr. Jones because there is no evidence Defendants were aware of Mr. Jones's disciplinary history  
10 when they searched him. In fact, their deposition testimony suggests the opposite. Neither  
11 Defendant ever reviewed Mr. Jones's central file where his disciplinary history is located. Ex. A,  
12 Mora Tr. at 32:25–33:2; Ex. B, Madsen Tr. at 28:11-13, 29:2-4. Mr. Jones had never caused any  
13 trouble for Mora or Madsen in their careers. Ex. A, Mora Tr. at 34:1-6; Ex. B, Madsen Tr. at 31:16-  
14 18. Defendant Madsen claims she believed Mr. Jones to be a threat to the security of the prison,  
15 but cites the alleged narcotics conspiracy cited above that occurred after the November 23, 2019,  
16 sexual assault. Ex. B, Madsen Tr. at 32:7–33:17. Section 1983 cases in this circuit make clear that  
17 disciplinary history is only relevant when defendant-officers were at least aware of it. *See, e.g.,*  
18 *Caruso v. Solorio*, No. 115CV780AWIEPGPC, 2021 WL 22498, at \*13 (E.D. Cal. Jan. 4, 2021)  
19 (excluding prior bad acts of plaintiff because "there is no indication that any Defendants were aware  
20 of Caruso's drug trafficking activities in prison. If no Defendant was aware of Caruso's prior prison  
21 drug tracking activities, then that evidence could play no role in the justification for either the search  
22 or the handcuffing of Caruso."); *Ellis v. Navarro*, No. C 07-5126, 2012 WL 3580284, at \*8-12  
23 (N.D. Cal. Aug. 17, 2012) (excluding prisoner's disciplinary record where defendants were not  
24 aware of prior disciplinary history at time of incident). More to the point, even if defendants were  
25 aware of Mr. Jones's disciplinary history, it is still not relevant to Defendants' state of mind in  
26 searching Jones because Defendants have consistently maintained in this action, including multiple  
27  
28

1 admissions in their depositions, that the clothed body search of Mr. Jones was completely random—  
 2 i.e., not influenced by prior events.<sup>3</sup>

3 Second, Mr. Jones's prison disciplinary record constitutes inadmissible character evidence  
 4 of other wrongs or acts. Fed. R. Evid. 404(b); *see Seals v. Mitchell*, No. C 04-3764 NJV, 2011 WL  
 5 1399245, at \*6 (N.D. Cal. April 13, 2011) (granting prisoner's motion in limine to exclude his  
 6 prison disciplinary record because it is “not relevant, is prejudicial, constitutes inadmissible  
 7 character evidence of other wrongs or acts, and is inadmissible hearsay.”) (citing Fed. R. Evid. 402,  
 8 403, 404(b), & 802); *Henderson v. Peterson*, No. C 07-2838 SBA PR, 2011 WL 2838169, at \*3  
 9 (N.D. Cal. July 15, 2011) (same); *Jacobs v. Alexander*, No. 1:05-cv-01625, 2016 WL 4440957, at  
 10 \*11 (E.D. Cal. Aug. 22, 2016) (granting prisoner's motion in limine to exclude his prison  
 11 disciplinary record because it is not relevant, is prejudicial, constitutes inadmissible character  
 12 evidence of other wrongs or acts.); *Davis v. Mason County*, 927 F.2d 1473, 1484 (9th Cir. 1991)  
 13 (district court properly excluded evidence of plaintiff's prior assault under Rule 404 in a section  
 14 1983 case). Evidence of Mr. Jones's prior disciplinary history would only serve to paint Mr. Jones  
 15 as someone with a character for breaking prison rules and thus deserving the pretextual clothed  
 16 body search. This is the definition of character evidence, and thus it should be excluded under Rule  
 17 404(b).

18 Lastly, the probative value of Mr. Jones's prison disciplinary record is substantially  
 19 outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, and  
 20 wasting the time of the Court, jury, and parties. *See* Fed. R. Evid. 403. Presenting Mr. Jones's  
 21 incidents of prison discipline will prejudice the jury against Mr. Jones and distract the jury from  
 22 the main issue in this action—Defendants' conduct. Such evidence will also mislead the jury from  
 23 focusing on a key issue—that the “integrity of the criminal justice system depends on full  
 24 compliance with the Eighth Amendment,” *Johnson v. California*, 543 U.S. 499, 511 (2005), and

25  
 26 <sup>3</sup> “Q. Whose decision was it to search Mr. Jones? A. My decision. Q. And why did you decide  
 27 to search him? A. It was randomly.” *See also* Madsen Tr. at 95:3-16, 96:20-97:7, 99:18-22  
 28 (Defendant Madsen explaining that she does not believe she was at the search “on the initial  
 contact” between Defendant Mora and Mr. Jones, and that when she works corridor coverage at  
 the prison, her pat down searches are completely random).

1 that civil rights actions by prisoners “serve an essential deterrent function.” *Llagune v. Mingey*, 763  
 2 F.2d 1560, 1579 (7th Cir. 1985). Permitting the jury to hear irrelevant, prejudicial evidence  
 3 regarding Mr. Jones’s disciplinary history will only serve to put Mr. Jones on trial when this action  
 4 is about the Defendants’ conduct.

### 5 **3. Gang affiliation**

6 Similarly, the Court should exclude all evidence of Mr. Jones’s alleged gang affiliation.  
 7 Though it is not clear from discovery whether Mr. Jones is or was actually affiliated with a gang in  
 8 or out of the prison, there were a couple mentions of alleged gang affiliation that the Court should  
 9 not let into trial. *See* Bates. No. AEO0000029-30 (Mr. Jones’s alleged association with “Venice  
 10 Shoreline Crips” outside of prison); Ex. B, Madsen Tr. at 73:14–17 (Madsen’s uncorroborated  
 11 claim that Mr. Jones is allegedly associated with “Black Guerilla Family”).

12 Similar to the prison disciplinary discussion above, Mr. Jones’s alleged gang affiliation is  
 13 not relevant to the facts of consequence in this case—Madsen testified she was not there at the  
 14 beginning of the sexual assault search, and Mora testified he searched Mr. Jones “randomly.” Thus,  
 15 Mr. Jones’s alleged gang affiliation is not relevant to Defendants’ state of mind or motive in  
 16 searching him. Moreover, in the Ninth Circuit, “it is well-established that gang affiliation evidence  
 17 presents a very high danger of substantial prejudice.” *Stevenson v. Holland*, 504 F. Supp. 3d 1107,  
 18 1138 (E.D. Cal. 2020) (citing *Kennedy v. Lockyer*, 379 F.3d 1041, 1055–1056 (9th Cir. 2004) (“Our  
 19 cases make it clear that evidence relating to gang involvement will almost always be  
 20 prejudicial[.]”). Thus, Mr. Jones’s alleged gang affiliation should be excluded under Rule 403.  
 21 While gang membership might be admissible to the extent it bears on a witness’s bias when a  
 22 witness and a party are members of the same gang, gang membership itself is not probative of  
 23 truthfulness. *See United States v. Dickens*, 775 F.2d 1056, 1058-59 (9th Cir. 1985) (distinguishing  
 24 *United States v. Abel*, 469 U.S. 45 (1984), where the Court permitted cross-examination on  
 25 common gang membership to show bias). There is no evidence that Mr. Jones is associated with  
 26 the same gang as any potential prison witness in this case. Therefore, this evidence must be  
 27 excluded to avoid unfair prejudice.  
 28

**C. MIL #3 – This Court Should Exclude Evidence of and References to Other Complaints Filed by Mr. Jones**

Mr. Jones has filed multiple prison grievances during his time at CTF that should be excluded as unfairly prejudicial and impermissible character evidence. To Mr. Jones’s knowledge, these complaints include: Bates No. AEO00000622 (complaint against Lt. Marquez for being unprofessional during Jones’s disciplinary hearing); 639 (complaint against food service manager for interfering with Jones’s observation of Ramadan); 651 (complaint against CO Ragasa for searching Jones’s cell for sole purpose of making sure he “get[s] another case”); 716 (complaint against CO Luna for giving Jones 2 RVRs in retaliation for “602-ing” an officer); and Jones–000684–87 (complaint against Sgt. Virrueta for retaliatory search on February 28, 2022). This a retaliation case—Mr. Jones was retaliated against for filing a prison grievance. Defendants should not be allowed to effectively further retaliate against Mr. Jones for filing prison grievances by putting on this evidence at trial.

First, pursuant to Rule 403, the Court should preclude Defendants from presenting evidence concerning other prison grievances initiated by Mr. Jones that are unrelated to the incident forming the basis of this action. *See Henderson*, 2011 WL 2838169, at \*5 (excluding all of plaintiff’s unrelated complaints under Rule 403); *Seals*, 2011 WL 1399245, at \*5 (excluding references to plaintiff’s other lawsuits or grievances under Rule 403 and 404(b)). While evidence of Mr. Jones’s other grievances might have some relevance to whether he was biased against law enforcement, the probative value of this evidence is substantially outweighed by the danger of unfair prejudice. “The charge of litigiousness is a serious one, likely to result in undue prejudice against the party charged, unless the previous claims made by the party are shown to have been fraudulent . . . [a plaintiff’s] litigiousness may have some slight probative value, but that value is outweighed by the substantial danger of jury bias against the chronic litigant. The trial court has a duty to prevent exploitation of this prejudice . . .” *Seals*, 2011 WL 1399245, at \*5 (quoting *Outley v. City of New York*, 837 F.2d 587, 592 (2d Cir. 1988)). Previous grievances filed by Mr. Jones have not been shown to be fraudulent.

Furthermore, “evidence of Plaintiff’s litigiousness is inadmissible character evidence.” *Seals*, 2011 WL 1399245, at \*5; *see also Henderson*, 2011 WL 2838169, at \*6 (“Defendants’ theory of admissibility [that plaintiff’s litigation history goes to his ability to be truthful and whether he has a tendency to file unmeritorious litigation] reveals that they are seeking to admit such evidence for the improper purpose of attacking Plaintiff’s character.”); *Dupard v. Kringle*, 76 F.3d 385, 1996 WL 56098, at \*4–5 (9th Cir. 1996) (“Evidence regarding [the plaintiff’s] general aggressiveness and litigiousness is precisely the type of character evidence admitted to prove propensity that is prohibited by Rule 404 .”). This evidence does not go to Mr. Jones’s motive, so as to be admissible under the 404(b) exceptions. “FRE 404(b) contemplates admission of evidence to show the motive for the underlying act committed, rather than a motive for bringing suit.” *Brooks v. Haggett*, 2010 WL 4226693, at \*12 (N.D. Cal. 2010) (emphasis added). Therefore, evidence of or references to Mr. Jones’s prior prison grievances should be excluded as unfairly prejudicial and impermissible character evidence.

**D. MIL #4 – This Court Should Permit Mr. Jones to Attend Trial Without Shackles**

The United States Supreme Court and the Ninth Circuit have repeatedly cautioned that, because of significant prejudice to the prisoner, shackling may be justified only “as a last resort,” in cases of “extreme need,” or in cases “urgently demanding that action.”<sup>4</sup> These principals apply to civil and criminal trials alike, and courts have recognized the significant risk of prejudice to a civil prisoner-plaintiff where the core issue in the plaintiff’s case is his credibility—as it is here.<sup>5</sup>

While discretionary, a court’s decision to order shackling is guided by a two-step test: “First the court must be persuaded by compelling circumstances that some measure [is] needed to maintain the security of the courtroom. Second, the court must pursue less restrictive alternatives

<sup>4</sup> *See Wilson v. McCarthy*, 770 F.2d 1482, 1485 (9th Cir. 1985) (citing *Illinois v. Allen*, 397 U.S. 337, 344 (1970), *Harrell v. Israel*, 672 F.2d 632, 635–36 (7th Cir. 1982), and *Tyars v. Finner*, 709 F.2d 1274, 1284 (9th Cir. 1983))

<sup>5</sup> *See, e.g., Claiborne v. Blauser*, 934 F.3d 885, 897 (9th Cir. 2019) (citing *Davidson v. Riley*, 44 F.3d 1118, 1122–23 (2d Cir. 1995) (noting significant potential for prejudice of shackles because “the verdict apparently was to turn on whether the jury would believe [section 1983 prisoner-plaintiff] and his prisoner-witnesses or the [prison] witnesses”))



1 before imposing physical restraints.” *Morgan v. Bunnell*, 24 F.3d 49, 51 (9th Cir. 1994) (citing  
2 *Jones v. Meyer*, 899 F.2d 883, 885 (9th Cir. 1990)).

3 Here, no compelling circumstances exist to warrant shackles, thus there is no need for the  
4 Court to move to step two of the two-step test. First, Mr. Jones’s “status as a convicted felon is not  
5 sufficient” to support a finding of compelling circumstances for shackling. *Claiborne v. Blauser*,  
6 934 F.3d 885, 898 (9th Cir. 2019) (citing *Duckett v. Godinez*, 67 F.3d 734, 749 (9th Cir. 1995)  
7 (holding that conviction on *two* counts of murder alone is not sufficient basis for shackling).  
8 Second, Mr. Jones does not have a propensity for violence or history of attempted escapes that  
9 would constitute compelling circumstances. “In all the cases in which shackling has been approved,  
10 there has also been evidence of disruptive courtroom behavior, attempts to escape from custody,  
11 assaults or attempted assaults while in custody, or a pattern of defiant behavior toward corrections  
12 officials and judicial authorities.” *Duckett*, 67 F.3d at 749. Here, there is zero evidence of  
13 disruptive courtroom behavior, attempts to escape from custody, assaults or attempted assaults  
14 while in custody, or a pattern of defiant behavior toward corrections official or judicial authorities.  
15 The only discipline Mr. Jones has faced at CTF involves possession of cell phones and controlled  
16 substances (See MIL #2 above for list of Mr. Jones’s disciplinary infractions). Mr. Jones does not  
17 have a history of violent offenses in prison over the last twenty-plus years. Since at least 2014 to  
18 2020, Mr. Jones’s prison placement score, which is based on his security risk and RVRs, has  
19 consistently been in the low 19 to 20 range resulting in security level II. *See* Exhibit C, Bates No.  
20 AEO0001252. The scoresheet indicates that 19 is also the mandatory minimum score for Mr. Jones.

21 Moreover, Mr. Jones has not made any “attempts to escape from custody,” that would  
22 qualify him as a “serious threat to escape,” warranting shackles. *See Wilson v. McCarthy*, 770 F.2d  
23 1482, 1485 (9th Cir. 1985). Conclusory speculations that Mr. Jones may have a motive to escape  
24 because of his long prison sentence, or that Mr. Jones may have the means to coordinate an escape  
25 because of his past possession of cell phones,<sup>6</sup> does not constitute direct evidence of compelling  
26 circumstances warranting shackles demanded by the case law.

27 <sup>6</sup> It is important to note that Mr. Jones’s last possession of a cell phone was *over three years ago*.  
28 *See* AEO00000288–301 (October 2019 RVR for cell phone).



1 Even if there were compelling circumstances justifying some increased security measures,  
2 shackling would not be the least restrictive alternative required to ameliorate the unfair prejudice  
3 to Mr. Jones. The least restrictive alternative would be placement of additional law enforcement  
4 in the gallery.

5  
6 Dated: October 13, 2022

*/s/ Vincent A. Doctor*

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## **EXHIBIT A**

May 11, 2022  
Sergio Mora

## JONES vs MORA

<p>UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION : : : : : :</p> <p>AMOS JONES,</p> <p style="text-align: center;"><b>CERTIFIED TRANSCRIPT</b></p> <p>Plaintiff,</p> <p>vs. No. : 3:20-cv-04093-TSH</p> <p>S. MORA, ET AL.,</p> <p>Defendants.</p> <p>_____ /</p> <p>REMOTE DEPOSITION VIA ZOOM OF SERGIO MORA Wednesday, May 11, 2022</p> <p>REPORTED BY: MARY ANN SCANLAN, CSR NO. 8875 RMR-CRR-CCRR-CLR</p> <div style="background-color: #4a7ebb; color: white; padding: 10px;">  <p style="font-size: small;">Certified Shorthand Reporters 408 Columbus Avenue, Suite 2, San Francisco CA 94133 o / 415.834.1114 f / 415.399.9266 e / info@scanlanstone.com w / scanlanstone.com</p> </div>	<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 FOR DEFENDANTS MADSEN AND MORA:</p> <p>4 ATTORNEY GENERAL OF CALIFORNIA</p> <p>5 By: MICHAEL QUINN</p> <p>6 Deputy Attorney General</p> <p>7 455 Golden Gate Avenue, Suite 11000</p> <p>8 San Francisco, California 94102-7004</p> <p>9 415.510.3611</p> <p>10 E-mail: Michael.Quinn@doj.ca.gov</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 : : : : : :</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 3</p>
<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF AMOS JONES:</p> <p>3 JONES DAY</p> <p>4 BY: KELSEY DAVIDSON</p> <p>5 Attorney at Law</p> <p>6 555 California Street, 26th Floor</p> <p>7 San Francisco, California 94104</p> <p>8 415.626.3939</p> <p>9 Email: kelseydavidson@jonesday.com</p> <p>10</p> <p>11 JONES DAY</p> <p>12 BY: KYLE MORENO</p> <p>13 Attorney at Law</p> <p>14 1755 Embarcadero Road</p> <p>15 Palo Alto, California 94303</p> <p>16 650.739.3968</p> <p>17 Email: kamoreno@jonesday.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 I N D E X</p> <p>2 EXAMINATION PAGE</p> <p>3 By Ms. Davidson 9</p> <p>4</p> <p>5</p> <p>6 : : : : : :</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 4</p>

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Sergio Mora

## JONES vs MORA

<p>1 A. I was a housing unit officer, so the functions</p> <p>2 of the housing unit consisted of unlocks, making sure</p> <p>3 inmates went to yards, day room, they got to education</p> <p>4 if they needed to be in education, medical appointments</p> <p>5 if they needed to be in medical appointments, making</p> <p>6 sure they were at their appointments.</p> <p>7 Q. And did part of that include doing searches of</p> <p>8 inmates at various times?</p> <p>9 A. Yes.</p> <p>10 Q. During that time, who did you report to?</p> <p>11 A. My immediate supervisor.</p> <p>12 Q. Do you remember who your immediate supervisor</p> <p>13 was?</p> <p>14 A. I don't recall.</p> <p>15 Q. Did you ever have anyone reporting to you</p> <p>16 during that time?</p> <p>17 A. No.</p> <p>18 Q. And were you part of a specific group?</p> <p>19 A. I don't understand the question.</p> <p>20 Q. You mentioned ISU at one point when you were</p> <p>21 assigned at the Delta wing, was there a different group</p> <p>22 you were a part of at that time?</p> <p>23 A. No, I was a housing unit officer in Delta</p> <p>24 wing.</p> <p>25 Q. Then after Delta wing, what was your next</p> <p style="text-align: right;">Page 29</p>	<p>1 security to the institution.</p> <p>2 BY MS. DAVIDSON:</p> <p>3 Q. Anything else?</p> <p>4 A. Conducting criminal investigations in regards</p> <p>5 to inmates conducting any criminal organizations here at</p> <p>6 the prison.</p> <p>7 Q. Is there anything else?</p> <p>8 A. No.</p> <p>9 Q. And you mentioned your job title is still</p> <p>10 correctional officer; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And do you have anyone reporting to you right</p> <p>13 now?</p> <p>14 A. No.</p> <p>15 Q. I think those are all the questions I have</p> <p>16 right now on your background.</p> <p>17 I want to talk to you a little bit about Amos</p> <p>18 Jones. Are you familiar with Amos Jones?</p> <p>19 A. Yes.</p> <p>20 Q. When did you first meet him?</p> <p>21 A. Back in -- when I used to work in Delta wing.</p> <p>22 Q. Do you remember when exactly during that time</p> <p>23 period?</p> <p>24 A. I want to say 2019.</p> <p>25 Q. Do you know if that was early or late 2019?</p> <p style="text-align: right;">Page 31</p>
<p>1 position?</p> <p>2 A. The investigative services unit, which I'm</p> <p>3 currently at.</p> <p>4 Q. Do you remember when you started there?</p> <p>5 A. Mid-2020.</p> <p>6 Q. And did you apply for that transfer?</p> <p>7 A. Yes.</p> <p>8 Q. Why did you apply?</p> <p>9 A. For promotion purposes, and I always wanted to</p> <p>10 be in the investigative services unit.</p> <p>11 Q. When you say for promotion purposes, does that</p> <p>12 mean that ISU is a higher-ranking position than a</p> <p>13 housing officer?</p> <p>14 A. Not necessarily.</p> <p>15 Q. Are you currently in a position that's a</p> <p>16 higher rank than you were back in 2019 to 2020?</p> <p>17 A. Not necessarily. I'm still a correctional</p> <p>18 officer, just different title.</p> <p>19 Q. What do you do in the investigative services</p> <p>20 unit?</p> <p>21 MR. QUINN: Objection. Calls for a narrative.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: I'm currently assigned to</p> <p>24 investigations, so I investigate any contraband being</p> <p>25 introduced into the prison, providing safety and</p> <p style="text-align: right;">Page 30</p>	<p>1 A. I don't.</p> <p>2 Q. Do you remember where you first met him?</p> <p>3 A. Conducting a random search on him.</p> <p>4 Q. Do you remember when that was?</p> <p>5 A. Back in 2019.</p> <p>6 Q. That was the first time you had ever</p> <p>7 encountered him?</p> <p>8 A. Yes.</p> <p>9 Q. Can you estimate how many times you've spoken</p> <p>10 to Mr. Jones since then?</p> <p>11 A. None.</p> <p>12 Q. So since the random search on Mr. Jones in</p> <p>13 2019, you've had no other conversations with Mr. Jones,</p> <p>14 right?</p> <p>15 A. Not that I can recall.</p> <p>16 Q. Have you had any other encounters with</p> <p>17 Mr. Jones since then?</p> <p>18 MR. QUINN: Objection. Vague and ambiguous</p> <p>19 with regard to the term "encounters" but you can answer.</p> <p>20 THE WITNESS: Not that I can recall.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. So the last time you spoke to Mr. Jones was</p> <p>23 also in 2019; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Have you ever reviewed Mr. Jones' central</p> <p style="text-align: right;">Page 32</p>

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Sergio Mora

## JONES vs MORA

<p>1 file?</p> <p>2 A. No.</p> <p>3 Q. Are you aware of why he is incarcerated?</p> <p>4 A. No.</p> <p>5 Q. What was your impression of Mr. Jones as an</p> <p>6 inmate from your one encounter?</p> <p>7 MR. QUINN: Objection. Vague and ambiguous</p> <p>8 with regard to the term "impression." Calls for</p> <p>9 speculation.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: My encounter with him, that --</p> <p>12 back in 2019, very hostile, clearly did not like</p> <p>13 authority -- or I should say he disliked officers.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. Why did you think he disliked officers?</p> <p>16 A. Just the way he came off when I approached him</p> <p>17 as far as conducting a random search on him.</p> <p>18 Q. Can you explain what you mean by the way he</p> <p>19 came off?</p> <p>20 A. Angry.</p> <p>21 Q. And how could you tell he was angry?</p> <p>22 A. The tone in his voice and he was loud.</p> <p>23 Q. Is there anything else that gave you the</p> <p>24 impression that he was angry or hostile?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 33</p>	<p>1 A. That I violated policy as far as searching</p> <p>2 him.</p> <p>3 Q. I want to talk a little bit about the other</p> <p>4 defendant, Officer Madsen. Do you know her?</p> <p>5 A. Yes.</p> <p>6 Q. When did you first meet?</p> <p>7 A. When I first started with CTF.</p> <p>8 Q. Would that be in 2017?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember how you first met?</p> <p>11 A. Working here at CTF.</p> <p>12 Q. Were you assigned to the same facility?</p> <p>13 A. When we first met? No.</p> <p>14 Q. Are you assigned to the same facility now?</p> <p>15 A. Yes.</p> <p>16 Q. How long have you guys been working in the</p> <p>17 same facility together?</p> <p>18 A. Approximately over two years.</p> <p>19 Q. So about 2020 to 2022; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. So before you began working together in the</p> <p>22 same unit, how often did you see her?</p> <p>23 MR. QUINN: Objection. Vague and ambiguous.</p> <p>24 You can answer if you understand the question.</p> <p>25 THE WITNESS: I don't understand the question.</p> <p style="text-align: right;">Page 35</p>
<p>1 Q. Has Mr. Jones caused any trouble for you in</p> <p>2 your career?</p> <p>3 MR. QUINN: Objection. Vague and ambiguous as</p> <p>4 to the term "trouble."</p> <p>5 You can answer.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. Have you or any other officers ever had to</p> <p>9 send Mr. Jones to administrative segregation?</p> <p>10 MR. QUINN: Objection. Assumes facts not in</p> <p>11 evidence.</p> <p>12 You can answer if you --</p> <p>13 THE WITNESS: Not that I can recall.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. And is administrative segregation also known</p> <p>16 as the hole?</p> <p>17 A. Yes.</p> <p>18 Q. And you understand that you're here today</p> <p>19 being deposed in a lawsuit filed by Mr. Jones, right?</p> <p>20 A. Yes.</p> <p>21 Q. And do you have an understanding of the claims</p> <p>22 that he alleged in this lawsuit?</p> <p>23 A. Yes.</p> <p>24 Q. And what is your understanding of those</p> <p>25 claims?</p> <p style="text-align: right;">Page 34</p>	<p>1 BY MS. DAVIDSON:</p> <p>2 Q. How often did you see Officer Madsen prior to</p> <p>3 working together in the same unit?</p> <p>4 MR. QUINN: Objection. Calls for speculation.</p> <p>5 Vague and ambiguous with regard to the term "see."</p> <p>6 If you understand the question, you can</p> <p>7 answer.</p> <p>8 THE WITNESS: I would see her when she was</p> <p>9 working.</p> <p>10 BY MS. DAVIDSON:</p> <p>11 Q. How often would you see her when she was</p> <p>12 working?</p> <p>13 A. Five days out of the week.</p> <p>14 Q. How long would you talk to her when you saw</p> <p>15 her?</p> <p>16 MR. QUINN: Objection. Assumes facts not in</p> <p>17 evidence. There's no testimony that he talked to her.</p> <p>18 BY MS. DAVIDSON:</p> <p>19 Q. You can answer.</p> <p>20 MR. QUINN: You can still answer or you can</p> <p>21 have her -- ask to rephrase.</p> <p>22 THE WITNESS: Can you rephrase the question,</p> <p>23 please?</p> <p>24 BY MS. DAVIDSON:</p> <p>25 Q. You testified that you saw Officer Madsen five</p> <p style="text-align: right;">Page 36</p>

May 11, 2022  
Sergio Mora


## JONES vs MORA

<p>1 THE WITNESS: It can be like medical or</p> <p>2 they're going to work or education.</p> <p>3 BY MS. DAVIDSON:</p> <p>4 Q. And do you remember if Officer Madsen was</p> <p>5 there at that time?</p> <p>6 A. I do. She was there.</p> <p>7 Q. Where was she?</p> <p>8 A. She was working across the building I was</p> <p>9 assigned to.</p> <p>10 Q. When you mean across the building, do you mean</p> <p>11 she was on the same corridor?</p> <p>12 A. Yes, on the same corridor.</p> <p>13 Q. Just at opposite ends of the corridor?</p> <p>14 A. Correct.</p> <p>15 Q. And about how far apart were you guys?</p> <p>16 A. Approximately 10 feet.</p> <p>17 Q. Did Officer Madsen ever call you over to</p> <p>18 search an inmate on that day?</p> <p>19 A. No.</p> <p>20 Q. And did Officer Madsen tell you that Mr. Jones</p> <p>21 was one of the inmates that had written her up?</p> <p>22 A. No.</p> <p>23 Q. And did Officer Madsen tell you to search</p> <p>24 Mr. Jones?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 77</p>	<p>1 middle, so I want to say 5 feet.</p> <p>2 BY MS. DAVIDSON:</p> <p>3 Q. So Mr. Jones was between you and Officer</p> <p>4 Madsen?</p> <p>5 A. In the corridor.</p> <p>6 Q. Yes, right, between both of you in the</p> <p>7 corridor; is that right?</p> <p>8 MR. QUINN: Objection. Misstates testimony.</p> <p>9 If you understand, you can answer.</p> <p>10 THE WITNESS: I don't understand.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. You said Mr. Jones was in the corridor. Was</p> <p>13 he between you and Officer Madsen in the corridor?</p> <p>14 A. He was in between the housing unit where I</p> <p>15 worked and the housing unit Officer Madsen worked.</p> <p>16 Q. And when Mr. Jones was told he was going to</p> <p>17 have a random search, where was Officer Madsen?</p> <p>18 A. I don't recall.</p> <p>19 Q. How did Mr. Jones react when you told him you</p> <p>20 were going to conduct a random search?</p> <p>21 A. He was upset.</p> <p>22 Q. What other officer was near you when you told</p> <p>23 him you were going to conduct a random search?</p> <p>24 A. I believe that's when Officer Madsen stepped</p> <p>25 out from her -- from her housing unit.</p> <p style="text-align: right;">Page 79</p>
<p>1 Q. Did Officer Madsen say "search his ass" in</p> <p>2 relation to Mr. Jones?</p> <p>3 A. No.</p> <p>4 Q. Did you conduct a search of Mr. Jones that</p> <p>5 day?</p> <p>6 A. Yes.</p> <p>7 Q. Whose decision was it to search Mr. Jones?</p> <p>8 A. My decision.</p> <p>9 Q. And why did you decide to search him?</p> <p>10 A. It was randomly.</p> <p>11 Q. And did you advise Mr. Jones why you were</p> <p>12 searching him?</p> <p>13 A. Yes, I told him it was going to be a random</p> <p>14 pat down.</p> <p>15 Q. And where was Mr. Jones when you told him you</p> <p>16 were going to conduct a random pat down?</p> <p>17 A. Out in the corridor while I was providing</p> <p>18 corridor coverage.</p> <p>19 Q. How far away was he?</p> <p>20 MR. QUINN: Objection. Vague and ambiguous.</p> <p>21 If you understand the question, go ahead.</p> <p>22 THE WITNESS: I don't know how far he was.</p> <p>23 Like I said, our door -- my housing unit from where</p> <p>24 Officer Madsen was working was approximately 10 feet.</p> <p>25 When you stand in a corridor, you're standing in the</p> <p style="text-align: right;">Page 78</p>	<p>1 Q. And Officer Madsen came towards both of you?</p> <p>2 A. Yes.</p> <p>3 Q. And did she hear you say that you were going</p> <p>4 to conduct a random search of Mr. Jones?</p> <p>5 A. I don't know if she heard it or not.</p> <p>6 Q. And do you remember if Officer Madsen said</p> <p>7 anything before you conducted the search of Mr. Jones?</p> <p>8 A. No.</p> <p>9 Q. And did Mr. Jones say anything after you told</p> <p>10 him you were going to conduct a random search?</p> <p>11 A. No.</p> <p>12 Q. And can you explain how you conducted the</p> <p>13 search?</p> <p>14 A. Like I said, I start from the wrist down to</p> <p>15 their arm. If they've got long sleeves, check the</p> <p>16 sleeves, check their pockets, check their shoes, and</p> <p>17 then I check the inseam of their waistband, make sure</p> <p>18 they ain't got no weapons or drugs.</p> <p>19 Q. Did Mr. Jones have long sleeves that day?</p> <p>20 A. I don't recall if he did or not.</p> <p>21 Q. And was Mr. Jones against the wall while you</p> <p>22 were searching him?</p> <p>23 A. He had his hands on the wall and I had him</p> <p>24 widen his stance for me to conduct a pat down.</p> <p>25 Q. Was he facing you or facing the wall?</p> <p style="text-align: right;">Page 80</p>

## **EXHIBIT B**

May 12, 2022  
Haley Madsen

## JONES vs MORA

<p>UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION : : : : : :</p> <p>AMOS JONES,</p> <p style="text-align: center;"><b>CERTIFIED TRANSCRIPT</b></p> <p>Plaintiff,</p> <p>vs. No. : 3:20-cv-04093-TSH</p> <p>S. MORA, ET AL.,</p> <p>Defendants.</p> <p>_____ /</p> <p>REMOTE DEPOSITION VIA ZOOM OF HALEY MADSEN Thursday, May 12, 2022</p> <p>REPORTED BY: MARY ANN SCANLAN, CSR NO. 8875 RDR-CRR-CCRR-CLR</p> <div data-bbox="170 892 722 1018">  <p>Certified Shorthand Reporters 408 Columbus Avenue, Suite 2, San Francisco CA 94133 o / 415.834.1114 f / 415.399.9266 e / info@scanlanstone.com w / scanlanstone.com</p> </div>	<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 FOR DEFENDANTS MADSEN AND MORA:</p> <p>4 ATTORNEY GENERAL OF CALIFORNIA</p> <p>5 By: ANTHONY TARTAGLIO</p> <p>6 MICHAEL QUINN</p> <p>7 Deputy Attorney General</p> <p>8 455 Golden Gate Avenue, Suite 11000</p> <p>9 San Francisco, California 94102-7004</p> <p>10 415.510.3611</p> <p>11 E-mail: Anthony.Tartaglio@doj.ca.gov</p> <p>12 Michael.Quinn@doj.ca.gov</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 : : : : : :</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 3</p>
<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF AMOS JONES:</p> <p>3 JONES DAY</p> <p>4 BY: KYLE MORENO</p> <p>5 Attorney at Law</p> <p>6 1755 Embarcadero Road</p> <p>7 Palo Alto, California 94303</p> <p>8 650.739.3968</p> <p>9 Email: kamoreno@jonesday.com</p> <p>10</p> <p>11 JONES DAY</p> <p>12 BY: KELSEY DAVIDSON</p> <p>13 Attorney at Law</p> <p>14 555 California Street, 26th Floor</p> <p>15 San Francisco, California 94104</p> <p>16 415.626.3939</p> <p>17 Email: kelseydauidson@jonesday.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 I N D E X</p> <p>2 EXAMINATION PAGE</p> <p>3 By Mr. Moreno 8</p> <p>4 By Mr. Tartaglio 173</p> <p>5</p> <p>6 FURTHER EXAMINATION</p> <p>7</p> <p>8 By Mr. Moreno 176</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 4</p>



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<p>1 A. Because I'm a peace officer and I want to do</p> <p>2 better for our state and make sure that my family and</p> <p>3 your family is safe, sir.</p> <p>4 Q. Understood.</p> <p>5 So is working for investigations considered a</p> <p>6 promotion from your previous job as a correctional</p> <p>7 officer?</p> <p>8 A. No, it's the same pay.</p> <p>9 Q. I'm just -- can you explain why -- I'm sorry.</p> <p>10 I'll move on.</p> <p>11 Just so I'm clear, during the relevant time</p> <p>12 period for this matter, for this lawsuit, which would be</p> <p>13 around September to December 2019, what was your job</p> <p>14 title then?</p> <p>15 A. I was a correctional officer in a housing</p> <p>16 unit.</p> <p>17 Q. Do you remember what housing unit you were</p> <p>18 assigned to?</p> <p>19 A. Yes.</p> <p>20 Q. What was that?</p> <p>21 A. George wing, G-wing.</p> <p>22 Q. And now during that relevant period we're</p> <p>23 discussing, do you remember who your supervisor was?</p> <p>24 A. Yes.</p> <p>25 Q. And who was that?</p> <p style="text-align: right;">Page 25</p>	<p>1 A. No, I can't.</p> <p>2 Q. Have you seen him more than once?</p> <p>3 A. Yes.</p> <p>4 Q. Would you see him every day when you were</p> <p>5 assigned to his housing unit?</p> <p>6 A. Yes.</p> <p>7 Q. How many times a day approximately?</p> <p>8 A. I worked in the housing unit 40 hours a week.</p> <p>9 Q. I'm sorry, how many times a day about would</p> <p>10 you see Mr. Jones when you were working there?</p> <p>11 A. I worked in there 40 hours a week, so I would</p> <p>12 see him on a variety of different times. We're there to</p> <p>13 make sure they're alive, breathing, and making sure</p> <p>14 they're doing okay and when we have to let them out.</p> <p>15 So I can't give you a time period. All I know</p> <p>16 is that I worked in the building for 40 hours a week, so</p> <p>17 I would see him a variety of different times.</p> <p>18 Q. Would you say you would see him more than five</p> <p>19 times a day?</p> <p>20 A. Yes.</p> <p>21 Q. More than ten times a day?</p> <p>22 A. Possibly.</p> <p>23 Q. When was the last time you spoke with</p> <p>24 Mr. Jones?</p> <p>25 A. I don't recall.</p> <p style="text-align: right;">Page 27</p>
<p>1 A. I had three different supervisors, so it kind</p> <p>2 of depends on what rank you want.</p> <p>3 Q. What were the name of your three supervisors?</p> <p>4 A. Captain Naranjo, Lieutenant Hopkins, and</p> <p>5 Sergeant Hernandez.</p> <p>6 Q. During this time period, were you the same</p> <p>7 rank as Officer Mora?</p> <p>8 A. I was.</p> <p>9 Q. Did anyone report to you during this time</p> <p>10 period?</p> <p>11 A. No.</p> <p>12 Q. All right. Moving on a little bit, are you</p> <p>13 familiar with Amos Jones?</p> <p>14 A. I'm familiar with the inmate, yes.</p> <p>15 Q. When did you first meet him?</p> <p>16 A. When I started working in the housing unit.</p> <p>17 Q. In George wing?</p> <p>18 A. Yes.</p> <p>19 Q. Do you remember your first meeting with him?</p> <p>20 A. No, I don't recall it.</p> <p>21 Q. After first meeting Mr. Jones, how many</p> <p>22 times -- excuse me, I'll rephrase.</p> <p>23 Since meeting Mr. Jones for the first time,</p> <p>24 can you estimate how many times you've spoken with</p> <p>25 Mr. Jones since then?</p> <p style="text-align: right;">Page 26</p>	<p>1 Q. Have you spoken with him since you left George</p> <p>2 wing?</p> <p>3 A. I don't believe I have.</p> <p>4 Q. Have you seen him since you left George wing?</p> <p>5 A. Yes.</p> <p>6 Q. When did you see him?</p> <p>7 A. I don't recall a date.</p> <p>8 Q. Where did you see Mr. Jones since you've left</p> <p>9 George wing if you aren't working there anymore?</p> <p>10 A. Within the prison.</p> <p>11 Q. Have you ever reviewed Mr. Jones' central</p> <p>12 file?</p> <p>13 A. I don't believe I have.</p> <p>14 Q. Officer, did Mr. Jones have a moniker within</p> <p>15 the prison that you're aware of?</p> <p>16 A. He does.</p> <p>17 Q. What is that moniker?</p> <p>18 A. Redman.</p> <p>19 Q. Redman, that's R-E-D-M-A-N?</p> <p>20 A. I believe that's the correct spelling.</p> <p>21 Q. Is that just how he's known by inmates or is</p> <p>22 that how he's known by correctional officers as well?</p> <p>23 A. Inmates.</p> <p>24 Q. Does he have any other moniker that you're</p> <p>25 aware of?</p> <p style="text-align: right;">Page 28</p>

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1 A. Not that I'm aware of.

2 Q. Officer, are you aware of why Mr. Jones is

3 incarcerated?

4 A. I am not.

5 Q. So you mentioned that you had likely more than

6 five interactions a day with Mr. Jones when you were

7 working in George wing. What was your impression of

8 Mr. Jones as an inmate?

9 A. Can you rephrase that question?

10 Q. Sure.

11 In all your interactions with Mr. Jones when

12 you were working there, what was your impression of him?

13 MR. TARTAGLIO: Objection. Vague.

14 Go ahead.

15 BY MR. MORENO:

16 Q. You can answer.

17 MR. TARTAGLIO: After I make an objection, you

18 can go ahead and answer, Officer Madsen.

19 THE WITNESS: Okay.

20 He was just like any other inmate.

21 MR. MORENO: Kelsey, you are not on mute.

22 MS. DAVIDSON: Sorry.

23 MR. MORENO: Sorry about that.

24 MS. DAVIDSON: I was trying to switch my phone

25 audio.

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1 MR. MORENO: No problem.

2 Mary Ann, I'm sorry, can you read back my last

3 question, please?

4 THE REPORTER: Yes.

5 MR. MORENO: Thank you.

6 (Record read as follows:

7 "Q. In all your interactions with

8 Mr. Jones when you were working

9 there, what was your impression of

10 him?")

11 THE REPORTER: Then there was an objection and

12 the witness answered.

13 (Record read as follows:

14 "A. Okay. He was just like any

15 other inmate.")

16 BY MR. MORENO:

17 Q. Officer, what do you mean that he was just

18 like every other inmate?

19 A. I treat every inmate the same. They're

20 inmates at the end of the day.

21 Q. Understood.

22 Did you get the impression that Mr. Jones was

23 hardworking?

24 A. No.

25 Q. Did you get the impression he was not

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1 hardworking?

2 A. I didn't really get an impression of him

3 whatsoever.

4 Q. Based on your interactions with Mr. Jones,

5 would you say that he's easygoing?

6 A. I have no impression of the inmate at all, so

7 I can't really answer that for you.

8 Q. Understood. So you wouldn't have an

9 impression of whether he was a troublemaker?

10 A. I believed at the time that he was introducing

11 narcotics into CTF.

12 Q. Okay.

13 Is that the only thing that would give you the

14 impression that he was a troublemaker?

15 A. Yes.

16 Q. Has Mr. Jones caused any trouble for you

17 specifically?

18 A. Nope.

19 Q. Has Mr. Jones -- excuse me, I'll rephrase.

20 Has Mr. Jones started any fights to your

21 knowledge?

22 A. I believe he was involved with an in-cell

23 fight.

24 Q. How were you aware of that?

25 A. I worked the housing unit.

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1 Q. Did you observe the fight?

2 A. I did not.

3 Q. So when there's a fight in the housing unit,

4 you generally would hear about it if you're working

5 there?

6 A. Yes, we're briefed on incidents that occur.

7 Q. Have you or any other officers that you know

8 of ever had to send Mr. Jones to administrative

9 segregation?

10 A. I'm aware of that investigative services unit

11 and the ad-seg prior to my arrival to investigative

12 services unit.

13 Q. How are you aware of that?

14 A. He was in my housing unit and I was there the

15 night he went to administrative segregation.

16 Q. Did you personally take him to administrative

17 segregation?

18 A. I was not involved with that incident

19 whatsoever.

20 Q. So just help me understand. When you say you

21 were there when he was taken to administrative

22 segregation?

23 A. There was an operation that night and I was

24 assigned another inmate's cell.

25 Q. Understood. And you saw Mr. Jones getting

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<p>1 taken to administrative segregation?</p> <p>2 A. Yes.</p> <p>3 Q. Just to clarify, you did not take him or</p> <p>4 follow him to administrative segregation?</p> <p>5 A. No, sir.</p> <p>6 Q. Understood.</p> <p>7 Did you request to have him put in</p> <p>8 administrative segregation?</p> <p>9 A. No, sir.</p> <p>10 Q. Do you have any reason to believe Mr. Jones</p> <p>11 was a threat to the security of the prison?</p> <p>12 A. Yes.</p> <p>13 Q. What is your reason to believe that?</p> <p>14 A. He was introducing narcotics into CTF, which</p> <p>15 can harm people, hurt people, kill people, and there</p> <p>16 could be murders and attempted murders due to</p> <p>17 introducing narcotics into an institution.</p> <p>18 Q. You said there was an operation the day he</p> <p>19 was -- excuse me, the date Mr. Jones was brought to</p> <p>20 administrative segregation. What was that operation?</p> <p>21 A. I don't fully know what the operation was. I</p> <p>22 was just requested to assist on the searching of another</p> <p>23 inmate.</p> <p>24 Q. So if there's an operation, you're not always</p> <p>25 made aware of it?</p> <p style="text-align: right;">Page 33</p>	<p>1 A. I do.</p> <p>2 Q. When did you first meet him?</p> <p>3 A. When he started at the department.</p> <p>4 Q. Do you know about when that was?</p> <p>5 A. I do not.</p> <p>6 Q. Did he start after you started?</p> <p>7 A. He started afterwards.</p> <p>8 Q. Do you have an estimate of how long</p> <p>9 afterwards?</p> <p>10 A. No, I don't.</p> <p>11 Q. Where did you meet him?</p> <p>12 A. I met him in the department.</p> <p>13 Q. Just so I understand, what do you mean by the</p> <p>14 department?</p> <p>15 A. CTF.</p> <p>16 Q. When was the last time you spoke to</p> <p>17 Officer Mora?</p> <p>18 A. This morning.</p> <p>19 Q. What did you speak to him about?</p> <p>20 A. What we were going to have for lunch.</p> <p>21 Q. Just to clarify, you didn't speak to him at</p> <p>22 all about this lawsuit?</p> <p>23 A. No.</p> <p>24 Q. Were you ever Officer Mora's supervisor?</p> <p>25 A. No, I'm an officer, just like he is.</p> <p style="text-align: right;">Page 35</p>
<p>1 A. You're only given information pertaining to</p> <p>2 whatever inmate you'll be dealing with.</p> <p>3 Q. Do you remember what information you were</p> <p>4 given regarding the operation?</p> <p>5 A. Yes, I was to search an inmate's cell, and</p> <p>6 that's the information I was given on that date.</p> <p>7 Q. Was that inmate cell Mr. Jones' cell?</p> <p>8 A. No.</p> <p>9 Q. Do you remember what inmate's cell it was?</p> <p>10 A. I don't recall the inmate's last name, no.</p> <p>11 Q. Do you remember the inmate's first name?</p> <p>12 A. No, I don't. I don't. He lived across from</p> <p>13 Jones in a different area.</p> <p>14 Q. Officer, you understand that you're here today</p> <p>15 being deposed in a lawsuit filed by Amos Jones, correct?</p> <p>16 A. I am.</p> <p>17 Q. Do you have an understanding of the claims</p> <p>18 alleged in this lawsuit?</p> <p>19 A. Yes.</p> <p>20 Q. What is your understanding of the claims?</p> <p>21 A. That it was a retaliatory search done by</p> <p>22 Officer Mora on my behalf.</p> <p>23 Q. So you mentioned Officer Mora. I want to ask</p> <p>24 questions about your relationship with him.</p> <p>25 Do you know Officer Mora?</p> <p style="text-align: right;">Page 34</p>	<p>1 Q. How would you describe your relationship with</p> <p>2 Officer Mora?</p> <p>3 A. He's one of my partners.</p> <p>4 Q. Do you have a good relationship?</p> <p>5 A. Yes.</p> <p>6 Q. Do you guys get along?</p> <p>7 A. Yes.</p> <p>8 Q. Would you consider Officer Mora a friend?</p> <p>9 A. I would.</p> <p>10 Q. Do you guys socialize outside of work?</p> <p>11 A. No.</p> <p>12 Q. Have you ever seen each other outside of work?</p> <p>13 A. Yeah, our county is not that big.</p> <p>14 Q. But these interactions with him outside of</p> <p>15 work have not been planned; is that correct?</p> <p>16 A. No.</p> <p>17 Q. Sorry, just so I understand, no, they have not</p> <p>18 been planned or organized by you two?</p> <p>19 A. No.</p> <p>20 Q. How frequently do you see Officer Mora at</p> <p>21 work?</p> <p>22 A. I work with him five days a week.</p> <p>23 Q. So you see him every day?</p> <p>24 A. Yes.</p> <p>25 Q. How many times in a day approximately do you</p> <p style="text-align: right;">Page 36</p>

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<p>1 document. This will be Exhibit 20.</p> <p>2 Q. Can you see my screen, Officer Madsen?</p> <p>3 A. Yes.</p> <p>4 Q. Scrolling down to the bottom of page 1 here,</p> <p>5 you see it says AEO0001997?</p> <p>6 A. Yeah.</p> <p>7 Q. Scrolling to the last page -- for the record,</p> <p>8 the last page you see at the bottom right here it says</p> <p>9 AEO0002009?</p> <p>10 A. Yes.</p> <p>11 Q. At the top of page 1 here it says from</p> <p>12 MadsenHaley@CDCR?</p> <p>13 A. Yes.</p> <p>14 Q. Is that your email?</p> <p>15 A. Yes.</p> <p>16 Q. The next line it says, 9/1/2019, 7:42 p.m. Do</p> <p>17 you see that?</p> <p>18 A. Yep.</p> <p>19 Q. Do you see in the body of the email it says,</p> <p>20 the hit list I have come up with all reasonable</p> <p>21 suspicion; I put notes on the guys I believe are</p> <p>22 holding?</p> <p>23 A. Yes.</p> <p>24 Q. I'm sorry, I forgot in the to line it says</p> <p>25 here to StephensArlene@CDCR.</p> <p style="text-align: right;">Page 69</p>	<p>1 I'll scroll down to page 4. Do you see that this cell</p> <p>2 in the middle of the page, in the second cell it says</p> <p>3 Jones, Amos?</p> <p>4 A. Yes.</p> <p>5 Q. And then, all the way to the right, there's a</p> <p>6 picture of an inmate there?</p> <p>7 A. Yes.</p> <p>8 Q. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. In the cell to the left of that, it says,</p> <p>11 phone and drugs?</p> <p>12 A. Yes.</p> <p>13 Q. Are these the notes that you were explaining</p> <p>14 to me earlier?</p> <p>15 A. Yes.</p> <p>16 Q. Did you create this list?</p> <p>17 A. I did.</p> <p>18 Q. Just to confirm, you said an inmate would get</p> <p>19 on this list if you suspect that they -- I'm sorry, let</p> <p>20 me rephrase that.</p> <p>21 Can you explain to me how an inmate would get</p> <p>22 on this list that you created?</p> <p>23 A. It's off of my observations as an officer,</p> <p>24 informants, other searches that -- say, I went into</p> <p>25 another cell within my housing unit and I saw an</p> <p style="text-align: right;">Page 71</p>
<p>1 A. Yes.</p> <p>2 Q. Is that Officer Stephens' email?</p> <p>3 A. That is Lieutenant Stephens' email, yes.</p> <p>4 Q. I apologize, Lieutenant Stephens.</p> <p>5 So what is the purpose of this email -- of</p> <p>6 sending this to Lieutenant Stephens?</p> <p>7 A. From my recollection of it, she, I believe,</p> <p>8 during that time period may have just come in to the</p> <p>9 building. I'm not a hundred percent sure of what her</p> <p>10 start date was. She was a new partner and I had been in</p> <p>11 the building.</p> <p>12 Those are guys that I probably put notes next</p> <p>13 to, just based off of reading and seeing that -- a lot</p> <p>14 of stuff is redacted -- of guys that I believe were</p> <p>15 either holding cell phones or narcotics or weapons.</p> <p>16 And it's our job as a building officer to</p> <p>17 secure inmates from doing that and to hold people</p> <p>18 accountable for their criminal activities. So I would</p> <p>19 safely assume that I had notes on there stating that I</p> <p>20 believe this person was running narcotics, holding</p> <p>21 narcotics, cell phones, weapons.</p> <p>22 Q. Scrolling down on page 2 at the top, inmates</p> <p>23 by housing area?</p> <p>24 A. Yes.</p> <p>25 Q. I know, a lot of redacted here. Excuse me,</p> <p style="text-align: right;">Page 70</p>	<p>1 inmate's name on like a ledger, per se, and it said that</p> <p>2 they owed three, \$400, it would be safe to assume that</p> <p>3 they owe that money for narcotics.</p> <p>4 Q. Just to be clear, what does it mean when it</p> <p>5 says here "phone and drugs" in the row for Amos Jones?</p> <p>6 A. That that cell was going to have a phone and</p> <p>7 narcotics within the cell.</p> <p>8 Q. Why did you believe that Amos Jones cell would</p> <p>9 have a phone and narcotics in the cell?</p> <p>10 A. Based off of my observations as an officer.</p> <p>11 Q. And what were those observations?</p> <p>12 A. I work the building 40 hours a week, so I</p> <p>13 observe -- I don't recall the amount of inmates I had in</p> <p>14 my building, but if you scroll all the way down, at that</p> <p>15 time it will give a number.</p> <p>16 Q. I'm at the bottom here. It says, total</p> <p>17 assigned 107. Is that what you're referring to?</p> <p>18 A. Yes, but each page; so there's first tier,</p> <p>19 second tier, third tier, so 107 plus whatever else is</p> <p>20 above that on the second and the first tier.</p> <p>21 I would say there's probably approximately</p> <p>22 high 200s to low 300 inmates in my building, one of the</p> <p>23 bigger buildings within the facility.</p> <p>24 I wouldn't just sit in my office. I'm a</p> <p>25 proactive officer, so I would sit on the tier above all</p> <p style="text-align: right;">Page 72</p>

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<p>1 the inmates so I would see who they're interacting with.</p> <p>2 And inmates can act suspicious with officers</p> <p>3 in the nature of, hey, you know, come here, I want to</p> <p>4 have a casual conversation with you and they start</p> <p>5 acting in a strange manner that you and I wouldn't act</p> <p>6 upon. Typically, that's a good sign to know that</p> <p>7 someone has something on them.</p> <p>8 So just based off of observations and dealing</p> <p>9 with other inmates and seeing who other inmates are</p> <p>10 dealing with and hanging out with -- and I wasn't always</p> <p>11 just a housing unit officer. I was a yard officer as</p> <p>12 well, so I got to see them when they were on their</p> <p>13 recreational yards and seeing who they're dealing with.</p> <p>14 And knowing that Amos was involved with the</p> <p>15 Black Guerrilla Family, it was safe for me to assume</p> <p>16 that he was trafficking narcotics through the CTF</p> <p>17 prison.</p> <p>18 Q. Thank you. I appreciate that explanation.</p> <p>19 Do you remember, other than your knowledge</p> <p>20 Amos being involved with the Black Guerrilla Family, if</p> <p>21 there was anything else that would lead you to suspect</p> <p>22 Amos had a phone and drugs in his cell?</p> <p>23 A. Typically, when someone is trafficking</p> <p>24 narcotics through a facility, they have a cell phone so</p> <p>25 they can talk to the person on the outside that's</p> <p style="text-align: right;">Page 73</p>	<p>1 interaction, it's casual, right, versus if you saw me</p> <p>2 you keep your head down. That's just an obvious sign of</p> <p>3 hey, what's going on with you, what's wrong.</p> <p>4 As an officer, I want to make sure you're</p> <p>5 okay, but also why are you not acknowledging me in that</p> <p>6 manner as well?</p> <p>7 So based off of seeing it physically,</p> <p>8 observations of body language, it's safe to assume.</p> <p>9 Q. And would Amos walk by you with his -- just --</p> <p>10 let me rephrase.</p> <p>11 To be clear on time frame, I'm talking about</p> <p>12 around September to December 2019 when you were working</p> <p>13 in George wing where Amos was. Do you understand that?</p> <p>14 A. Yeah, I do.</p> <p>15 I'm a very proactive officer, so inmates that</p> <p>16 were typically holding narcotics would try to avoid me</p> <p>17 because I do my job and I'm very proactive.</p> <p>18 Q. And you said Amos would walk by you with his</p> <p>19 head down. Was that very frequent during the time you</p> <p>20 were working George wing? Was that every -- excuse me,</p> <p>21 let me rephrase.</p> <p>22 Was that every time you would see him?</p> <p>23 A. I don't recall a specific amount of times, but</p> <p>24 more than often, that's how his disposition would be</p> <p>25 toward me.</p> <p style="text-align: right;">Page 75</p>
<p>1 orchestrating the narcotics being actually trafficked in</p> <p>2 the institution for the inmate to successfully be able</p> <p>3 to get it and then traffic it through the actual</p> <p>4 facility itself.</p> <p>5 Just based off of my observations, that's what</p> <p>6 I observed. And I was a visiting officer as well, so I</p> <p>7 saw a variety of different inmates with their visitors</p> <p>8 where sort of inmates have been placed in administrative</p> <p>9 segregation and their family members or whoever they are</p> <p>10 related to them being arrested and put into the county</p> <p>11 jail for introducing narcotics.</p> <p>12 So I was able -- based on all my observations</p> <p>13 throughout my whole career, I was able to determine that</p> <p>14 it would be safe to say that he was going to have a cell</p> <p>15 phone and narcotics within his cell.</p> <p>16 Q. Understood.</p> <p>17 Just to be clear, in addition to your</p> <p>18 training, which I understand, and all your observations,</p> <p>19 was there anything specific related to Amos Jones that</p> <p>20 would lead you to believe he had a phone and drugs in</p> <p>21 his cell?</p> <p>22 A. No, other than the fact that every time he</p> <p>23 would come in my building he would put his head down and</p> <p>24 not want to interact with me. That's not a usual --</p> <p>25 what I'm trying to say is like you and I having this</p> <p style="text-align: right;">Page 74</p>	<p>1 Q. Is Amos the only one whose disposition would</p> <p>2 be like that toward you?</p> <p>3 A. No.</p> <p>4 Q. How many, approximately, inmates would have</p> <p>5 that disposition toward you?</p> <p>6 A. I don't even have a number to give you,</p> <p>7 inmates that were involved in narcotic trafficking.</p> <p>8 Q. Just to be clear, would you say all the</p> <p>9 inmates acted that way toward you?</p> <p>10 A. No.</p> <p>11 Q. Maybe half the inmates?</p> <p>12 A. Not even half; a handful.</p> <p>13 Q. I'm back at the top page of this document</p> <p>14 here, back to the email. It says -- you see it says hit</p> <p>15 list right here?</p> <p>16 A. Yes.</p> <p>17 Q. What do you mean by hit list?</p> <p>18 A. Searching.</p> <p>19 Q. Okay. Are you saying these are -- the inmates</p> <p>20 on this list are inmates to search?</p> <p>21 A. Yeah.</p> <p>22 Q. So would you search all the inmates on that</p> <p>23 list?</p> <p>24 A. If I have the time and attempted to, yes.</p> <p>25 Q. Do you remember whether you searched all the</p> <p style="text-align: right;">Page 76</p>



May 12, 2022  
Haley Madsen

## JONES vs MORA

<p>1 Q. Okay.</p> <p>2 Is it safe to say you would conduct more than</p> <p>3 ten a day?</p> <p>4 A. Absolutely.</p> <p>5 Q. More than 20?</p> <p>6 A. Probably.</p> <p>7 Q. More than 50?</p> <p>8 A. That's stretching it, but possibly.</p> <p>9 Q. Okay. Understood.</p> <p>10 So I want to ask some questions about the</p> <p>11 search of Amos Jones on November 23, 2019, at issue in</p> <p>12 this case.</p> <p>13 Do you remember what your duties were on</p> <p>14 November 23, 2019?</p> <p>15 A. It's safe to assume that I was working George</p> <p>16 wing that day.</p> <p>17 Q. Okay.</p> <p>18 Is it safe to say, then, that you were in</p> <p>19 George wing around 1:00 p.m. that day?</p> <p>20 A. Yes.</p> <p>21 Q. Did you have any specific duty around</p> <p>22 1:00 p.m. that day?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Do you recall which specific part of George</p> <p>25 wing you were in around that time?</p> <p style="text-align: right;">Page 93</p>	<p>1 that nature, conduct random pat downs, casual</p> <p>2 encounters.</p> <p>3 Q. So you say you would conduct random pat downs</p> <p>4 in corridor coverage, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. How would you determine which inmates to</p> <p>7 conduct these random pat downs?</p> <p>8 A. There was no -- no -- I don't know what word</p> <p>9 I'm trying to use right now, but no specific inmate.</p> <p>10 It's just you're an inmate at the end of the day, you're</p> <p>11 going to get searched.</p> <p>12 Q. Was there like a certain number of inmates you</p> <p>13 would pass up and then randomly do the next one?</p> <p>14 A. No.</p> <p>15 Q. No, it just was completely random?</p> <p>16 A. Yes, sir.</p> <p>17 Q. When you're working corridor coverage,</p> <p>18 approximately how many inmates would you search during</p> <p>19 that time?</p> <p>20 A. It varied throughout the day, just depending</p> <p>21 on what day it was, what was going on in the prison, so</p> <p>22 I can't give you a specific amount because every day</p> <p>23 fluctuated from different ones.</p> <p>24 Q. Do you remember on November 23rd how many pat</p> <p>25 down searches you conducted during corridor coverage?</p> <p style="text-align: right;">Page 95</p>
<p>1 A. I don't.</p> <p>2 Q. Generally, during that period, where in George</p> <p>3 wing would you work around 1:00 p.m. or around</p> <p>4 lunchtime?</p> <p>5 A. I didn't keep my schedule the same because, at</p> <p>6 the end of the day, inmates are criminals and they're</p> <p>7 watching me as much as I watch them, so I never really</p> <p>8 had a physical routine of how I did things. I always</p> <p>9 changed it up for my safety.</p> <p>10 Q. Do you remember working corridor coverage</p> <p>11 around this time?</p> <p>12 A. It's possible that I was.</p> <p>13 Q. And what does working corridor coverage</p> <p>14 entail?</p> <p>15 A. It's typically doing mass movement like yard</p> <p>16 release -- just yard release, any other type of MF. If</p> <p>17 there's an emergency where we have to move inmates out</p> <p>18 of the building into the yard, fire, nature, things like</p> <p>19 that, education, breakfast, lunch, all that different</p> <p>20 stuff, so it kind of depends on what time of the day it</p> <p>21 is and what the program is like.</p> <p>22 Because it's prison, things can happen and the</p> <p>23 program can be changed a million times over in one day.</p> <p>24 Go stand out in the corridor, make sure</p> <p>25 there's no emergencies going on, no fights, anything in</p> <p style="text-align: right;">Page 94</p>	<p>1 A. No, I don't count. I don't have stats. I</p> <p>2 don't do any of that stuff, so I can't give you a -- I'm</p> <p>3 just doing my job at the end of the day.</p> <p>4 Q. During corridor coverage would you conduct</p> <p>5 more than 20 pat down searches?</p> <p>6 A. Somewhere between five to 20 to 30 to 40 to</p> <p>7 50, it just kind of depends on the day and what's going</p> <p>8 on.</p> <p>9 Q. Can you explain what it depends on the number</p> <p>10 of searches?</p> <p>11 A. If there's an emergency throughout the</p> <p>12 facility, if there's a riot, if we have program -- if we</p> <p>13 do have program or if we don't have program.</p> <p>14 Q. Do you remember if you had an emergency in the</p> <p>15 facility on this day?</p> <p>16 A. I don't.</p> <p>17 Q. Do you remember whether it was a relatively</p> <p>18 busy day?</p> <p>19 A. I don't recall.</p> <p>20 Q. Do you recall Officer Mora conducting a search</p> <p>21 of Amos Jones on this date?</p> <p>22 A. I do recall.</p> <p>23 Q. Where were you when this occurred?</p> <p>24 A. I don't recall where I was during the</p> <p>25 beginning, the initial contact.</p> <p style="text-align: right;">Page 96</p>

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## JONES vs MORA

<p>1 Q. Were you -- when did you see the initial</p> <p>2 contact?</p> <p>3 A. I believe I stepped outside the building, but</p> <p>4 I don't recall.</p> <p>5 Q. I'm sorry, you stepped outside the building</p> <p>6 during the search?</p> <p>7 A. I believe I did, but I don't recall.</p> <p>8 Q. Do you remember how close you were to</p> <p>9 Officer Mora when you searched Mr. Jones?</p> <p>10 A. I can't give you like a feet, but I was</p> <p>11 probably fairly close to provide coverage to my partner</p> <p>12 just in case. It's very typical for inmates to batter</p> <p>13 officers, so typically you have a cover officer there to</p> <p>14 assist you if anything is needed.</p> <p>15 Q. And at what point in the search did you go to</p> <p>16 provide coverage?</p> <p>17 A. I don't recall.</p> <p>18 Q. Did you see the entire search?</p> <p>19 A. I don't recall.</p> <p>20 Q. Do you recall seeing the search?</p> <p>21 A. Yes.</p> <p>22 Q. Where in the corridor was Officer Mora when</p> <p>23 the search started?</p> <p>24 A. Somewhere between my building and his</p> <p>25 building; I don't recall a specific location.</p> <p style="text-align: right;">Page 97</p>	<p>1 vicinity to Officer Mora to provide coverage?</p> <p>2 A. Correct.</p> <p>3 Q. So that is why you provided coverage to him</p> <p>4 because you were the closest?</p> <p>5 A. Correct.</p> <p>6 Q. Approximately how long was the search?</p> <p>7 A. I don't recall a specific time, but typically</p> <p>8 a pat down is anywhere from ten seconds to 30 seconds,</p> <p>9 just kind of depending on how many layers of clothing</p> <p>10 inmates have on, how much property is on them, being</p> <p>11 able to go through it.</p> <p>12 Q. Was this search on the longer end of what you</p> <p>13 just described?</p> <p>14 A. No.</p> <p>15 Q. So it's fair to say it was an average length</p> <p>16 of time?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And how did the search start?</p> <p>19 A. I don't recall because I don't believe I was</p> <p>20 there on the initial contact, but Officer Mora is a very</p> <p>21 proactive officer, too; he searches inmates just as much</p> <p>22 as any other officer does.</p> <p>23 Q. So when you go to provide cover and arrive</p> <p>24 near the search, at what part of the search is</p> <p>25 Officer Mora in?</p> <p style="text-align: right;">Page 99</p>
<p>1 Our door, our housing unit doors are probably</p> <p>2 approximately 10 feet across from each other, so...</p> <p>3 Q. Were there any other officers around during</p> <p>4 the search?</p> <p>5 A. I don't recall.</p> <p>6 Q. I'm just trying to understand, why would it be</p> <p>7 you that provided cover for the search?</p> <p>8 A. Well, we've got -- just think of like a</p> <p>9 straight building and then you got a building right here</p> <p>10 and a building right here and there's this long</p> <p>11 corridor, so we all step out to provide the security for</p> <p>12 the institution.</p> <p>13 So typically you have officers that are</p> <p>14 staggered throughout the whole corridor and whoever</p> <p>15 works across the way, you end up typically partnering up</p> <p>16 with because you're not going to let a partner have an</p> <p>17 encounter with an individual where if you go sideways</p> <p>18 and, God forbid, your partner gets stabbed or murdered</p> <p>19 in front of you and you're not providing coverage.</p> <p>20 Q. Sure.</p> <p>21 So would it be the officer closest to the</p> <p>22 officer conducting the search that would provide cover</p> <p>23 or how do you determine who provides cover?</p> <p>24 A. Whoever is in the closest vicinity.</p> <p>25 Q. Is it fair to say that you were in the closest</p> <p style="text-align: right;">Page 98</p>	<p>1 A. I don't understand your question. Can you</p> <p>2 rephrase it?</p> <p>3 Q. Sure.</p> <p>4 You described there's policies and procedures</p> <p>5 for how to search -- do a clothed body search of an</p> <p>6 inmate. In terms of the timeline of the search, at what</p> <p>7 point was Officer Mora at when you arrived at the</p> <p>8 search?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you recall where his hands were?</p> <p>11 A. I don't recall.</p> <p>12 So typically, as you're providing coverage to</p> <p>13 an officer, you're more watching the inmate's hands on</p> <p>14 the wall. If they come off, obviously, you know,</p> <p>15 something is going on, but I did not see anything other</p> <p>16 than Officer Mora being professional.</p> <p>17 Q. So you don't remember directing -- excuse me.</p> <p>18 Let me rephrase.</p> <p>19 Did you direct Officer Mora to search</p> <p>20 Mr. Jones?</p> <p>21 A. No, sir.</p> <p>22 Q. Did say anything to Officer Mora right before</p> <p>23 the search of Mr. Jones?</p> <p>24 A. No, sir.</p> <p>25 Q. Did you tell Officer Mora that Mr. Jones was</p> <p style="text-align: right;">Page 100</p>

## **EXHIBIT C**



ICCS002D - Reclassification Scoresheet	
Name: JONES, AMOS	CDC#: K29556
Action Date: 07/30/2020 Facility: CTF-Facility C [CTF-C] Staff: Mondragon, I [REDACTED] Annual Review: Yes Review Period: 07/25/2019 Beginning Date: Number of 6 Month Periods: 2 Scoresheet Status: Finalized	Sequence #: 002  Corrects Scoresheet done on: Review Period: 07/24/2020 Ending Date:  As of: 07/31/2020

Favorable Behavior Since Last Review		
	<u>Points</u>	
1. Continuous Minimum Custody Periods: 0	x 4	0
2. No Serious Disciplinary Periods: 0	x 4	0
3. Average or Above Performance in Work, School, or Vocational Programs: 1	x 2	2
4. Total Favorable Points		2

Unfavorable Behavior Since Last Review		
<u>Serious Disciplinary</u>	<u>Number Of</u>	<u>Points</u>
1. Div. A-1 / A-2		
Date(s) <input type="text" value="None"/>	0 x 8	0
Div. B, C, & D		
Date(s) <input type="text" value="10/09/2019-Possession of a cellular"/>	1 x 6	6
Div. E & F		
Date(s) <input type="text" value="None"/>	0 x 4	0
2. Battery or Attempted Battery on a Non-Prisoner		
Date(s) <input type="text" value="None"/>	0 x 8	0
3. Battery or Attempted Battery on an Inmate		
Date(s) <input type="text" value="None"/>	0 x 4	0
4. Distribution of Drugs		
Date(s) <input type="text" value="None"/>	0 x 4	0
5. Possession of a Deadly Weapon		
Date(s) <input type="text" value="None"/>	0 x 16	0
6. Inciting a Disturbance		
Date(s) <input type="text" value="None"/>	0 x 4	0
7. Battery Causing Serious Injury		
Date(s) <input type="text" value="None"/>	0 x 16	0
8. Total Unfavorable Points		6

Computation of Score	
1. Prior Preliminary Score from Scoresheet dated: 07/30/2020	14
2(a). Minus Total Favorable Points since last review	- 2
2(b). Plus Total Unfavorable Points since last review	+ 6
2(c). Adjustment for Favorable Points since Corrected Scoresheet	+ 0
<input style="width: 100%;" type="text" value="None"/>	
3. Preliminary Score Subtotal	18
4. Change in Sentence Term - Points (Difference in Years x 2)	0
- Old Sentence Term in Years:      + New Sentence Term in Years:	
5. New Preliminary Score	18

Placement	
	<u>Points</u>
1. New Preliminary Score	18
2. Mandatory Minimum Score Factor: 5-Violence Exclusion	19
3. Placement Score	19
4. Security Level: II	

Comments
RVR dated 02/26/2020 is pending for Conspire-Introduction of a Controlled Substance, division A-2.  TimeStamp: 30 July 2020 09:22:38 --- User: I [REDACTED] Mondragon [REDACTED]

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